

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ROBERT JOHN CARRIER, # K0013

PETITIONER

VERSUS

CIVIL ACTION NO. 5:16cv51-DCB-MTP

STATE OF MISSISSIPPI

RESPONDENT

ORDER DENYING RECONSIDERATION

BEFORE THE COURT are *pro se* Petitioner Robert John Carrier's Letter [12] and Attachment [13], which the Court construes as a motions for reconsideration. Petitioner is incarcerated with the Mississippi Department of Corrections. On September 27, 2016, the Court dismissed this case for Petitioner's failure to obey Court Orders. On November 7 and 10, Petitioner filed the respective motions, asking simply to be released from prison. For the reasons set forth below, the motions are denied.

Because the motions were filed over 28 days past the Final Judgment, the motions shall be treated as one arising under Federal Rule of Civil Procedure 60. Fed. R. Civ. P. 59(e); *Forsythe v. Saudi Arabian Airlines Corp.*, 885 F.2d 285, 288 (5th Cir. 1989). Under this rule, the:

court may relieve a party . . . from a final judgment . . . for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;

- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b).

Petitioner simply asks the Court for the relief he originally sought in his Petition. Petitioner does not address or challenge the reasons for the Court's finding that he failed to comply with prior Court Orders. Petitioner presents no basis for reconsideration of the Order of Dismissal [9].

IT IS THEREFORE ORDERED AND ADJUDGED that, for the foregoing reasons, *pro se* Petitioner Robert John Carrier's Letter [12] and Attachment [13], which the Court construes as motions for reconsideration, should be, and are hereby denied.

So ordered and adjudged, this the 8th day of December, 2016.

s/David Bramlette

UNITED STATES DISTRICT JUDGE